

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14310US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,448

Filed: September 30, 2003

For: MEDIA EXCHANGE NETWORK
SUPPORTING LOCAL AND REMOTE
PERSONALIZED MEDIA OVERLAY

Examiner: Kunal N. Langhnoja

Group Art Unit: 2427

Confirmation No. 5601

Electronically filed on 05-MAY-2010

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on February 17, 2010 ("Final Office Action") with a period of reply through May 17, 2010. The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on April 13, 2010 ("Advisory Office Action"). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP 6,553,100 ("Chen"). The Applicant respectfully submits that the claims define patentable subject matter. The Applicant also respectfully traverses these rejections at least for the following reasons:

I. Examiner's Response to Arguments

The Examiner states the following in pages 2-3 of the Final Office Action:

With respect to claim 1, Applicant argues cited reference fails to teach claimed limitation "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location." The examiner respectfully disagrees.

Chen et al teaches user is able to directly enter commands using input device 190 into processor 100, commands may include updating a profile (Co1.7 lines 45-51). The intelligent processor 100 uses the updated profile information and routes the media prior to transmitting an alert to the on-premises device (Co1a lines 57-59). Furthermore, user's configured profile enables him/her to receive alerts at off-premises devices 410, 420 and/or 430 (Co1a line 57-Co1.5 line 25). Wherein, user updating profile located at intelligent processor 100 and routing alerts to an off-premises devices [410, 420, 430] before transmitting them to on-premises devices reads on claimed "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command and prior to communicating said generated message to any device within said first geographic location."

Even though Chen, at col. 7, lines 45-51, teaches that a user is able to directly enter commands using input device 190 into processor 100, the Applicant fails to see the relevance of this disclosure in relation to the above cited limitation from Applicant's claim 1. Chen, at col. 7, lines 45-51, simply discloses that the user may enter commands into processor 190 to update the profiles stored in the profile database 174. The fact remains, however, that neither the input device 190 nor any other device of Chen is used for purposes of establishing an authorization level of the device from which the alert is received. There is simply no such disclosure at col. 7, lines 45-51 of Chen. Chen, at col. 4, line 57-col. 5, line 25, simply describes the off-premise devices 410-430 that can be used to alert a user. As previously explained in the July 13, 2009 response, Chen does not automatically route a generated message to any of the off-premises devices 410-430, based on a prior authorization level of the device from which the alert is received. Even though Chen discloses that consultation of the profile may

be performed "before or instead of transmitting an alert to the on-premises devices", the fact remains that Chen's "profile" simply lists off-premises devices at which the user can be located. Also, Chen's "profile" used with regard to device 170 simply stores pre-determined user locations and it has nothing to do with authorization levels established by a user command. In this regard, Chen's "profile" is not established based on user authorization level, and Chen does not route any messages to a remote device based on authorization level previously established by a user command. In fact, Chen does not even disclose a user command that is used to establish authorization level of a remote device, or that the notification routing is in any way influenced or based on any user commands.

Therefore, the Applicant maintains that Chen does not disclose at least "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited in Applicant's claim 1.

II. Chen Does Not Anticipate Claims 1-31

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Chen does not disclose or suggest at least the limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

The claimed "receiving, at a first geographic location, an alert from a first device coupled to the communication network" is met by Chen et al. that teach the use of an intelligent processor (100) in receiving an alert from alarm event detectors (510,520) via a network (200) at a 1st geographic location, i.e. a subscribers' home (Abstract; Fig. 1&5; col. 1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48). The claimed "generating within a home; a message corresponding to said received alert;" is met by Chen et al. that teach the generation & transmittal by an intelligent processor (100), located on-premise. (Fig.5; col. 1, lines 61-67; Col. 2 lines 42-46, col.6, lines 40-48; col.8, lines 46-53; & col.9, lines 54-57).

The claimed "automatically routing said generated message to a location that is remote [410,420, 430] from said first geographic location (user's

home), based on a prior authorization level of the first device established by a user command(i.e. user commands to update profile within processor 100 using input device 190 in order to route alerts to off-premises device 410,420,430), wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location (i.e. user updating profile will route the alert to off-premises device instead of on-premise devices)." (Figures 1 and 2; colA, lines 51-67, Col. 5 lines 1-24 and Col. 7 lines 45-51).

See Final Office Action at pages 4-5. Chen discloses an intelligent alerting system that receives a notification and alerts end-users via one or more devices (on-premises or off-premises devices, based on the user location). Chen's system also includes a processor (100 in FIG. 1) that determines whether any of these devices are active for purposes of communicating the alert. See Chen at col. 1, lines 17-29. Referring to FIGS. 2-3 of Chen, the Applicant points out that the processor 100 uses an alert destination determination device 170, which determines whether or not to transmit the alert to an on-premise or off-premise device. The alert destination determination device 170 may use **profiles that indicate where the user can be reached by a given device**. See *id.* at col. 7, lines 57-65.

More specifically, Chen discloses that the alert destination determination device 170 uses profile database 174 to store one or more user profiles that indicate where and when the end-user may be reached by a given device. See *id.* at col. 7, line 61 – col. 8, line 6. In this regard, **the profile database 174 is set up based on the specific location of the user at any given time (where and when the user can be reached).** Chen does not disclose any routing of a generated message (notification) **based on a prior authorization level** of the first device established by a user command. In fact, **Chen does not disclose any establishing of authorization levels for a given device, or that the notification routing is in any way influenced or based on any user commands.** The Applicant also notes that Chen's user profile used with regard to device 170 simply stores pre-determined user locations and it has nothing to do with setting up authorization levels established by a user command.

For further clarification, the Examiner is also referred to Applicant's arguments in Section I above.

Therefore, the Applicant maintains that Chen does not disclose or suggest at least the limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Chen and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the reference cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Chen has been overcome and requests that the rejection be withdrawn. Additionally, claims 1-20, 12-20 and 22-31 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20 and 22-31.

In general, the Final Office Action makes various statements regarding claims 1-31 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

III. Conclusion

The Applicant respectfully submits that claims 1-31 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 05-MAY-2010

By: /Ognyan I. Beremski/

Ognyan I. Beremski

Reg. No. 51,458

Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100
(OIB)